

REMARKS/ARGUMENTS

Claims 1-10 are pending. Claims 1, 7, and 8 have been amended. Claims 5, 6, 9, and 10 have been cancelled without prejudice. No new matter has been entered as a result of these amendments. Applicants believe claims 1-4, 7, and 8 are in condition for allowance.

The Examiner has rejected claim 9 under 35 U.S.C. §101 because the claimed invention is directed to non-statutory subject matter.

The Examiner has rejected claims 1-3, 5 and 7-10 under 35 U.S.C. §102(e) as being anticipated by U.S. Pat. No. 6,146,277 to Ikeda.

The Examiner has rejected claims 4 and 6 under 35 U.S.C. §103(a) as being unpatentable over Ikeda in view of U.S. Pat. No. 6,093,105 to Morihira.

Rejection under 35 U.S.C. §101

The Examiner rejected claim 9 under 35 U.S.C. §101 because the claimed invention is directed to non-statutory subject matter.

Applicants have cancelled claim 9 thus rendering this rejection moot.

Rejection under 35 U.S.C. §102(e)

The Examiner has rejected claims 1-3, 5 and 7-10 under 35 U.S.C. §102(e) as being anticipated by U.S. Pat. No. 6,146,277 to Ikeda.

Applicants have amended independent claims 1, 7, and 8 to incorporate the subject matter of dependent claims 5 and 6. The Ikeda reference fails to teach all of the elements recited in Applicants amended independent claims 1, 7, and 8.

For these reasons, Applicants respectfully request the withdrawal of the rejection under 35 U.S.C. §102(e) against claims 1-3, 5 and 7-10 and allowance of claims 1-4, 7, and 8.

Rejection under 35 U.S.C. §103(a)

The Examiner has rejected claims 4 and 6 under 35 U.S.C. §103(a) as being unpatentable over Ikeda in view of U.S. Pat. No. 6,093,105 to Morihira.

In framing this rejection, the Examiner stated the following:

"Regarding claim 4, Ikeda discloses the invention substantially as claimed except for a distance detector. However, Morihira teaches a distance detector for the purpose of forming an image, which adjusts an enlargement/reduction ratio (zooming ratio) of the window screen (column 3, lines 29-36) when the players are closer or further apart. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Ikeda with a distance detector as taught by Morihira in order to display the optimum image showing both players' elements either up close if the players are closer together or a more enlarged (zoomed out) image if the players are further apart.

Regarding claim 6, Ikeda discloses the invention substantially as claimed except for "short-range" and "long-range" circumstances based on a determination of whether opponents are in adjacent areas or not. However, Morihira discloses a distance detector to determine how far apart the opponents are. The operation data or game data includes the distance apart, and based on this distance, the central processing unit of Ikeda can determine whether the opponents are in adjacent areas (close to each other) or not (far from each other) and use the corresponding fighting means. Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Ikeda with the ability to determine the distance between opponents in order to determine which fighting means to execute on the basis of opponents being in adjacent areas or not."

(Office Action dated August 9, 2005, pages 5-6).

Applicants have amended independent claim 1 to incorporate the subject matter of dependent claim 6. Applicants' claim 4 is dependent upon amended independent claim 1.

Ikeda fails to teach or suggest a first generator for generating image data to display a normal state image on a preset display, which includes a map, at least one player's element, and at least one opponent's element, both elements being positioned on the map as recited in Applicants' amended independent claim 1. Furthermore, Ikeda fails to teach or suggest the map of the normal state image comprise a plurality of areas, and each of the both elements is positioned in one of the plurality of areas respectively as recited in Applicants' amended independent claim 1.

Morihira also fails to teach or suggest the map of the normal state image comprise a plurality of areas, and each of the both elements is positioned in one of the plurality of areas respectively as recited in Applicants' amended independent claim 1.

Moreover, Ikeda and Morihira both alone, and in combination, fail to teach the subject matter of claim 6, now incorporated into Applicants amended independent claim 1.

Morihira teaches how the distance between two symbols  $P_1$  and  $P_2$  is monitored and how an image is adjusted based upon the distance between the two symbols  $P_1$  and  $P_2$  at col. 3, ll. 29-36, 56-60; col. 4, ll. 44-57. However, unlike the subject matter recited in Applicants' amended independent claim 1, Morihira fails to teach how the display of symbols  $P_1$  and  $P_2$  change, that is, their size, level of detail, etc., with respect to the distance between the two symbols  $P_1$  and  $P_2$  or in response to a change in that distance between the two symbols  $P_1$  and  $P_2$ .

Applicants' amended independent claim 1 recites in part the

following:

*"wherein the second controller determines, according to the operation data, whether or not an area in which the desired player's element is positioned is adjacent to an area in which the desired opponent's element is positioned, and controls the second generator so that the displayed combat state image represents the desired player's element to fight the desired opponent's element in short-range circumstance when the area in which the desired player's element is positioned is adjacent to the area in which the desired opponent's element is positioned, while the display combat state image represents the desired player's element to fight the desired opponent's element in long-range circumstance when the area in which the desired player's element is positioned is not adjacent to the area in which the desired opponent's element is positioned."*  
(emphasis added)

Applicants' amended independent claim 1 recites the displayed combat state image changes when, for example, the desired player's element is positioned in a short-range circumstance to the desired opponent's element, as opposed to when for example, the desired player's element is positioned in a long-range circumstance to the desired opponent's element. These short-range circumstances and long-range circumstances are shown at least in the representations of FIGS. 10A and 10B and also described at least at page 26, line 20 through page 29, line 4. Morihira does not teach or suggest that the display of the symbols  $P_1$  and  $P_2$  change with respect to a change in the distance between the two symbols  $P_1$  and  $P_2$ . Moreover, Ikeda fails to disclose such a teaching or suggestion. Thus, Morihira fails to correct the deficiencies of Ikeda.

For these reasons, Applicants amended independent claim 1, and claim 4 by virtue of its dependency thereupon, is patentable over Ikeda in view of Morihira.

Applicants respectfully request the withdrawal of the rejection against claims 4 and 6 under 35 U.S.C. §103(a) and

allowance of claim 4.

#### CONCLUSION

An earnest and thorough attempt has been made by the undersigned to resolve the outstanding issues in this case and place same in condition for allowance. If the Examiner has any questions or feels that a telephone or personal interview would be helpful in resolving any outstanding issues which remain in this application after consideration of this amendment, the Examiner is courteously invited to telephone the undersigned and the same would be gratefully appreciated.

It is submitted that the claims patentably define over the art relied on by the Examiner and early allowance of same is courteously solicited.

If any additional fees are required in connection with this case, it is respectfully requested that they be charged to Deposit Account No. 02-0184.

Respectfully submitted,

By 

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I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: "Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313" on December 9, 2005.

  
Antoinette Sullo